

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 10TH NOVEMBER 2006 / 19TH KARTHIKA 1928

W.A.No.166 of 2004

AGAINST THE JUDGEMENT IN W.P.(C).32717/2003 DATED 17/10/2003
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APPELLANT: 2ND RESPONDENT:-

T.CHANDRAN, THALAPPILLY HOUSE,
MOORKANIKKARA P.O., THRISSUR.

BY ADV. SRI.K.V.GOPINATHAN NAIR

RESPONDENTS: PETITIONER/1ST RESPONDENT:-

1. RAVIKUMAR, CHAKKALAKKAL HOUSE,
VALAKKAVU, P.O.MULAYAM, THRISSUR.
2. THE SECRETARY, REGIONAL TRANSPORT AUTHORITY,
THRISSUR.

R1 BY ADV.SMT.SUMATHY DANDAPANI.
R2 BY SENIOR GOVT. PLEADER SRI.M.R.SABU.

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD
ON 10/11/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

V.K.Bali,C.J. & S.Siri Jagan,J.

W.A.No.166 of 2004

Dated, this the 10th day of November, 2006

JUDGMENT

V.K.Bali,C.J. (Oral)

Against fixation of time schedule of the appellant by the 2nd respondent, the petitioner, who is now arrayed in the Writ Appeal as 1st respondent, filed objection/representation. A learned Single Judge of this Court vide impugned order dated 17th October, 2003 directed consideration of the objection/representation, which is impermissible in view of the Division Bench decision of this Court in **Krishnankutty v. John** [1992 (2) KLT 883], according to which such order of time schedule can be challenged only in revision under Section 90 of the Motor Vehicles Act, 1988 before the State Transport Appellate Tribunal. It could not be disputed during the course of argument that the matter is covered in favour of the appellant and against the 1st respondent. That being so, this appeal is allowed and the order dated 17th October, 2003 passed by the learned Single Judge is set aside.

2. At this stage, learned counsel representing the 1st respondent brings to our notice that pursuant to the direction given by the learned Single Judge, the concerned authority in re-considering the matter has already changed the timings and even though some timings with regard to 1st respondent might have been changed, the appellant's time schedule remains the same. In view of the factual position as disclosed, we may only observe that the 1st respondent may even now file a revision and in the peculiar facts and circumstances of this case, we order that if the revision is filed within a period of thirty days from today, no objection with regard to limitation can be raised, as also accepted by the counsel for the appellant.

Sd/-
V.K.Bali
Chief Justice

Sd/-
S.Siri Jagan
Judge

vku/-

(True Copy)

P.A.to Judge.